

Application No. 10/800,563
Request to Modify Notice of Abandonment
Art Unit 3635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/800,563 Confirmation No.9830

Applicant : Anthony M. Iannelli

Filed : 03/15/2004

TC/A.U. : 3635

Examiner : Jeanette E. Chapman

Docket No. : US-0204-I

Customer No. : 26904

REQUEST TO MODIFY NOTICE OF ABANDONMENT

Request is hereby made for modification of the Notice of Abandonment dated April 26, 2006 concerning the above-referenced application. In particular, Applicant requests that the grounds for abandonment and the date of abandonment be modified in view of Applicant's timely filing of a PCT continuation-in-part application, Petition for an Extension of Time and Petition fee.

List of Exhibits Accompanying this Request

Exhibit A PCT Notification of International Application Number And Filing Date
Exhibit B Express Mail Receipt

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Art Unit 3635

Exhibit C	First page of PCT Application
Exhibit D	Transmittal Letter for PCT Application
Exhibit E	Petition for Extension of Time for US Appln. No. 10/800,563
Exhibit F	Copy of Check No. 1411 for \$510 3-month Petition fee
Exhibit G	Cover sheet for Office Action dated 09/22/2005
Exhibit H, pp 1,2	Notice of Abandonment
Exhibit I	Refund check stub

Factual Basis for this Request

Applicant filed PCT Application No. PCT/US2006/01028 on 22 March 2006 (Exhibits A and B). The subject PCT Application is a continuation-in-part of U.S. Patent Application No. 10/800,563 (Exhibit C). Accompanying Applicant's PCT Application was a Petition for Extension of Time and a check to cover the Petition fee (Exhibits D, E and F). The last Office Action on Application No. 10/800,563 prior to filing Applicant's PCT application was dated Sep. 22, 2006 (Exhibit G).

Remarks

Applicant's PCT application, Petition for Extension of Time and \$510 Petition fee were filed on 22 March 2006. The foregoing documents constituted Applicant's response to the Office Action of Sep. 22, 2005. Since this response included a Petition for a Three-month extension of time and the appropriate fee, the time limit for responding to the Office Action of Sep. 22, 2005, was March 22, 2006. Accordingly, it is believed that the foregoing documents were timely filed and that the appropriate fee was paid. It is also believed that this Request for Modification is being made promptly,

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in view of the absences of Applicant's attorney, the Examiner and the Examiner's Supervisor from their respective offices for various periods of time during the summer months, and further in view of the absence of any delay in the examination of Applicant's PCT continuation-in-part application during the interval between the Notice of Abandonment (Exhibit H, pp 1,2) and this Request for Modification. Since the \$510 Petition fee was refunded (Exhibit I), authorization to charge Applicant's attorney's credit card for the subject Petition fee is being made with this electronic filing.

Request

Accordingly, request is hereby made to modify the Notice of Abandonment for Application No. 10/800,563 to indicate that it was expressly abandoned when Applicant's PCT continuation-in-part application No. PCT/US2006/010288 was filed on March 22, 2006.

Respectively submitted,

/wcr/
William Rambo
Attorney for Applicant
414 Walnut St Ste 508
Cincinnati, OH 45202-3913
Tel. 513-768-8901

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To: WILLIAM RAMBO 414 WALNUT ST. STE. 508 CINCINNATI, OHIO 45202-3913
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PCT

**NOTIFICATION OF THE INTERNATIONAL
APPLICATION NUMBER AND OF THE
INTERNATIONAL FILING DATE**

(PCT Rule 20.5(c))

Date of mailing (day/month/year)	11 May 2006	
Applicant's or agent's file reference PCT-032206-I	IMPORTANT NOTIFICATION	
International application No. PCT/US2006/010288	International filing date (day/month/year) 22 Mar 2006	Priority date (day/month/year)
Applicant IANNELLI, ANTHONY M		
Title of the invention ROOF GUTTER COVER SECTION WITH WATER DRAINING UPPER SURFACE		

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:

was transmitted to the International Bureau on 11 May 2006

has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau*:

because the necessary national security clearance has not yet been obtained.

because (reason to be specified):

* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION

Completed by: SB

Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.

License for foreign transmittal not required. 37 CFR. 5.11(e)(1) or 37 CFR 5.11(e)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).

Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on 05 May 2006 :

37 CFR 5.15(a) 37 CFR 5.15(b)

Name and mailing address of the receiving Office Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 Facsimile No. 703-305-3230	Authorized officer Sonya Barnes Telephone No. 703-308-9290 129
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Form PCT/RO/105 (July 1992)

Exhibit A

Application No. 10/800,563
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Title of the Invention:

Roof Gutter Cover Section With Water Draining Upper Surface

Related Application

This application is a continuation-in-part of U.S. Patent Application No. 10/800,563 filed Mar. 15, 2004, now abandoned.

Technical Field

The present invention relates to covers or shields adapted to be mounted over a roof gutter to keep out leaves and other debris, and more particularly to gutter covers that channel or drain the rainwater into the gutter principally through their upper surfaces.

Background Art

In the past, typical gutter covers have been formed with a substantially imperforate upper surface or top portion and with a relatively deep, water-channeling trough located near the area where the cover is attached to the front lip of the gutter. This arrangement was believed to provide the most durability, leaf-shedding ability and pleasing appearance. However, the imperforate top, deep trough gutter cover was somewhat limited in its versatility. Likewise, the water-channeling trough tended to require a relatively elevated front wall that, in turn, occasionally resulted in difficulty mounting the rear portion of the gutter cover on the roof structure without changing the position of the gutter. As a result of these limitations, installing these conventional gutter covers could be relatively laborious or even impossible in the case of older structures such as half-round or box-style gutters. It is also believed that there is a need in the industry for a gutter cover that is less expensive to produce and install than the aforementioned conventional cover. Thus, the present inventor was faced with the problems of devising a more versatile and less expensive gutter cover than those currently marketed.

Disclosure of the Invention

The present invention is a cover section for a roof gutter and is fashioned to extend longitudinally in overlying relation to a length of the gutter. The present cover section may

EXHIBIT C

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PTO-1382 (Rev. 07-2004)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES RECEIVING OFFICE

Express Mail mailing number:	EQ259606966US	Date of deposit:	03/22/2006
File reference no.:	PCT-032206-I	International application no. (if known):	
Title of the invention:	Roof Gutter Cover Section With Water Draining Upper Surface		
Earliest priority date claimed (Day/Month/Year):			

This is a new International Application

SCREENING DISCLOSURE INFORMATION:

In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (check as many boxes as apply):

- The invention disclosed was **not** made in the United States of America.
- There is no prior U.S. application relating to this invention.
- The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on the Request form PCT/RO/101) and this listing does **not** constitute a claim for priority.)

application no.	10/800,563	filed on	03/15/2004
application no.		filed on	

The present international application contains additional subject matter not found in the prior U.S. application(s) identified above. The additional subject matter is found on pages _____ and **DOES NOT ALTER** **MIGHT BE CONSIDERED TO ALTER** the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 C.F.R. 5.15.

Itemized list of contents

Sheets of Request form:	4	Check nos. 1411 + 1412
Sheets of description (excluding sequence listing):	6	Return receipt postcard: <input checked="" type="checkbox"/>
Sheets of claims:	3	Power of attorney: <input checked="" type="checkbox"/>
Sheets of abstract:	1	Certified copy of priority document (specify):
Sheets of drawings:	5	Other (specify): <i>Petition for Extension of Time Under 37 CFR 1.136(g) PCT Fee Calculation Sheet Return Postcard</i>
Sheets of sequence listing:		
Sequence listing diskette/CD:		
Tables related to sequence listing CD:		

The person signing this form is:

<input type="checkbox"/> Applicant	Name of person signing <i>William Rambro</i>
<input checked="" type="checkbox"/> Attorney/Agent (Reg. No.) 29,694	
<input type="checkbox"/> Common Representative	

Signature *WR*

This collection of information is required by 37 CFR 1.10 and 1.412. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/22 (12-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)
FY 2005 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		US-0204-5
Application Number	10/800,563	Filed 03/15/2009
For Roof Gutter Cover Section With Water Draining Upper Surface		
Art Unit 3635	Examiner Jeanette E. Chapman	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.		
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):		
	Fee	Small Entity Fee
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.		
<input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____ I have enclosed a duplicate copy of this sheet.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the	<input type="checkbox"/> applicant/inventor.	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).		
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number 29,694		
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		
 Signature		03/22/2009 Date
William Rembo Typed or printed name		513-768-8901 Telephone Number
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.		
<input checked="" type="checkbox"/> Total of 1 forms are submitted.		

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Exhibit E

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The US Receiving Office stamp/label hereon will acknowledge receipt on the date indicated of the PCT application of Anthony M. Iannelli entitled "Roof Gutter Cover Section With Water Draining Upper Surface (Atty Doc No PCT-032206-I) comprising:

- Transmittal Letter to USRO
- PCT Request, 4 pages
- PCT Power of Attorney
- PCT Fee Calculation Sheet
- Check for \$1686 filing fee
- Written specification, 10 pages
- Drawing, 5 sheets
- Petition for Extension of Time
- Check for \$510 petition fee

1411

WM. CATES RAMBO
ATTORNEYS AT LAW
414 WALNUT STREET, SUITE 508
CINCINNATI, OH 45202

DATE Mar. 22, 2006 13-1542-420

PAY TO THE ORDER OF Director, U.S. Patent and Trademark Office \$ 510.00

Five hundred, ten and no/100 DOLLARS 

Security Features
Includes
Serials
On Back

The Huntington National Bank
Cincinnati, Ohio 45202

Huntington Banks

FOR App No. 10/800,563 ext time #001411# 1042015422# 01651104341#

1412

WM. CATES RAMBO
ATTORNEYS AT LAW
414 WALNUT STREET, SUITE 508
CINCINNATI, OH 45202

DATE Mar. 23, 2006 13-1542-420

PAY TO THE ORDER OF Director, U.S. Patent and Trademark Office \$ 1,686.00

One thousand, six hundred, eighty six and no/100 DOLLARS 

Security Features
Includes
Serials
On Back

The Huntington National Bank
Cincinnati, Ohio 45202

Huntington Banks

FOR PCT-032206 - I filing fee #001412# 1042015422# 01651104341#

Exhibit F

Application No. 10/800,563
Request to Modify Notice of Abandonment
Art Unit 3635



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,563	03/15/2004	Anthony M. Iannelli	US-0204-I	9830
26904	7590	09/22/2005	EXAMINER	
WM. CATES RAMBO 508 MERCANTILE LIBRARY BLDG. 414 WALNUT STREET CINCINNATI, OH 45202-3913			CHAPMAN, JEANETTE E	
		ART UNIT	PAPER NUMBER	3635

DATE MAILED: 09/22/2005

*Documented
Notice 1/26/05*

Please find below and/or attached an Office communication concerning this application or proceeding.

Exhibit G

Application No. 10/800,563
Request to Modify Notice of Abandonment
Art Unit 3635



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,563	03/15/2004	Anthony M. Iannelli	US-0204-I	9830
26904	7590	04/26/2006	EXAMINER	
WM. CATES RAMBO 508 MERCANTILE LIBRARY BLDG. 414 WALNUT STREET CINCINNATI, OH 45202-3913			CHAPMAN, JEANETTE E	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Exhibit H p.1

Application No. 10/800,563
Request to Modify Notice of Abandonment
Art Unit 3635

Notice of Abandonment	Application No.	Applicant(s)
	10/800,563	IANNELLI, ANTHONY M.
	Examiner	Art Unit
	Chapman E. Jeanette	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 22 September 2005.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:


Jeanette Chapman
Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.18^f, should be promptly filed to minimize any negative effects on patent term.

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NOTICE TO CHECK RECIPIENT		TREASURY-FINANCIAL MANAGEMENT SERVICE TFS FORM 3090(Rev.)		
VENDOR NAME: WILLIAM RAMBO		VENDOR I.D. NUMBER: WILLIAM RAMB		
AGENCY NAME AND BILLING ADDRESS:	DEPARTMENT OF COMMERCE US PATENT AND TRADEMARK O 2051 JAMIESON AVENUE ALEXANDRIA VA22314	U.S. TREASURY REG. FINANCIAL CENTER: AUSTIN, TEXAS	CHECK NUMBER 2221-26319831	CHECK AMOUNT \$****510.00
			CHECK DATE 05-12-06	AGENCY SCHEDULE NUMBER CC20060018
MAILROOM DATE: 03/22/2006 NAME/NUMBER: PCT/US06/10288 ATTY DOCK #/TRADEMARK: PCT-032206-1 MOUNT REFUNDED: 510.00 OVERPAYMENT FOR A SERVICE FOR QUESTIONS RELATING TO REFUND, CONTACT SONYA BARNES - 703 308 9290 X129			A	AGENCY TELEPHONE NUMBER 571-272-6500

Exhibit I

PLEASE DIRECT ANY INQUIRIES CONCERNING THIS PAYMENT TO THE AGENCY AT THE ADDRESS (OR PHONE NUMBER) INDICATED ABOVE